

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

The Estate of Michael Cummisky, )  
by Midfirst Trust Company, )  
Special Administrator, )  
Plaintiff, )

v. )

Case No. CIV-11-42-C

Estes Express Lines and Eddie )  
Neal Wyatt, )  
Defendants, )

and )

Estes Express Lines and )  
Eddie Neal Wyatt, )  
Third-Party Plaintiffs, )

v. )

Storey Wrecker Service, Inc., )  
Third-Party Defendant, )

and )

Cleveland Lease Service, Inc., )  
and Navigators Insurance )  
Company, )  
Intervenors/Plaintiffs, )

v. )

Estes Express Lines and Storey )  
Wrecker Service, Inc., )  
Defendants. )

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TAL/BJT/JLN  
Best & Sharp

COPY

The CONTINUATION of the Videotape Deposition  
of JANICE BEACHAM taken on July 10th, 2012.

PAMELA B. STINCHCOMB, CSR #1544  
STINCHCOMB REPORTING SERVICE  
1004 South Main Street, Broken Arrow, Oklahoma 74012  
(918) 527-7452

EXHIBIT

7

1 and the time of night, that Mr. Cummisky was also  
2 exceeding his hours of service and that he failed  
3 to -- he failed to put out the proper hazard warning  
4 triangles that he needed to by pulling off on the  
5 shoulder, if he had fully pulled off safely to do so.

6 Q. Is there -- do you have any facts to show  
7 that if Mr. Cummisky had not been over his hours of  
8 service, that this would not have happened, in other  
9 words, any facts to show that him being over the  
10 hours of service he was so tired that he fell into  
11 the road or that that somehow actually contributed to  
12 causing this collision?

13 A. Do I have any facts?

14 Q. Yes, facts or evidence.

15 A. No. I do not have any evidence to that.

16 Q. Do you have any facts or evidence to show  
17 that if this workover rig had not been oversized, if  
18 it had been a smaller size, that that in any way  
19 would have kept this collision from occurring?

20 A. The rig certainly would not have been -- he  
21 would not have been towing the rig at that time and  
22 possibly with him being over service, he was tired,  
23 and he may not have made the wisest decision at the  
24 time of being faced with his situation.

25 Q. What decision is that?

1           A.     By pulling off where he did.

2           Q.     Do you have any facts or evidence to  
3 suggest that if Mr. Cummisky had put out any  
4 reflective triangles or other warning devices that  
5 that would have kept this collision from occurring?

6           A.     If he had placed them out properly, then  
7 Eddie Wyatt would have attempted -- he would have  
8 seen -- he would have seen the units prior, and he  
9 would have already changed lanes. And it's possible  
10 that it could have kept it from being such a severe  
11 accident as it was.

12          Q.     Are you saying that if Mr. -- do you know  
13 if Mr. Wyatt saw the workover rig or the tow truck  
14 before the impact?

15          A.     Yes.

16          Q.     He did see it?

17          A.     Yes.

18          Q.     And are you -- are -- I don't want to put  
19 words in your mouth. But are you suggesting if there  
20 had been reflective triangles, that Mr. Wyatt would  
21 have been able to better control his vehicle and  
22 there would have been less damage?

23          A.     He would have changed lanes sooner farther  
24 down based on the way the triangles are to be laid  
25 out, and that it is possible that there would have